



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,908	08/31/2001	Krishnadas C. Kootale	020431.0911	5540

7590

04/22/2004

Baker Botts L.L.P.  
Suite 600  
2001 Ross Avenue  
Dallas, TX 75201-2980

EXAMINER
----------

COBY, FRANTZ

ART UNIT	PAPER NUMBER
----------	--------------

2171

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

# Office Action Summary

Application No.

09/944,908

Applicant(s)

KOOTALE, KRISHNADAS C.

Examiner

Frantz Coby

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4, 5, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is in response to application filed on August 31, 2001 in which claims 1-28 are presented for examination.

**Status of Claims**

Claims 1-28 are pending.

***Information Disclosure Statement***

The information disclosure statement filed on August 31, 2001 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file and information referred to therein has been considered as to the merits.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-13, the claimed limitations; namely, determining relationship between positions in a hierarchical organization of data; select a position i; determining a total weight; remove the influence if the total weigh of position i is non-zero etc..... as a whole do not accomplish a practical application. That is, it does not produce a "useful, concrete and tangible result."

Claims 14-28 are rejected for the same reasons explained above. Although claims 14 and 28 recite "A system", they do not specifically recite the type of system intended.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the preamble of claims 1 and 27 recites "A method for detecting and resolving conflicts in association with data allocation". However, the body of the claims is silent on the steps required to arrive with a method for that can ***detects and resolves conflicts in association with data allocation***.

As per claims 2-13, these claims are rejected for the same reasons given on rejection of claims 1 and 27 above; also for being dependent on the rejected claim 1.

As per claim 14 and 28, the preamble of claim 14 and 28 recite "A system for detecting and resolving conflicts in association with data allocation". However, the body of the claims is silent on the components needed to arrive with a system that can ***detect and resolves conflicts in association with data allocation***.

As per claims 15-26, these claims are rejected for the same reasons given on rejection of claim 14 and 28 above; also for being dependent on the rejected claims 14.

Claim 1 recites the limitations "the relationship" in line 3; "the influence" in line 8; "the other positions" in line 9; "a relationship" in line 12; "the effect of position k" in line 13; "the influence" in line 17; and "the other positions" in line 18. There is insufficient antecedent basis for these limitations in the claim.

Claim 2 recites the limitations "the relationship" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitations "the matrix" in line 2; "the variations of the children" in lines 2-3; "the parent child relationship matrix" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitations "the matrix  $RR^T$ " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6 recites the limitations "the diagonal value" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claims 6-7 recite the limitations "the influence of position i" in line 1 of claim 6; "the diagonal value" in line 2 of both claims 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitations "the effect of position k" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 9-12 are rejected at least for their dependencies directly or indirectly to claims 1-8 above. They are therefore rejected as set forth above.

Claims 14-28 contain similar lack of antecedent basis as discussed in claims 1-8 above. They are therefore rejected as set forth above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3, 6-16, 19-26 are rejected under 35 U.S.C. 102(e) as being Arai by U.S. 2003/0046300 A1.

As per claims 1, 14, 27 and 28, Arai discloses the claimed features of "determining relationships between positions in a hierarchical organization of data" by providing a hierarchical structure generating method and apparatus that is based on parent-child relationship table (See Arai Title). As to the claimed features of selecting a position i; determining a total weight; selecting a position k, Arai achieves these claimed features by providing an operational flowchart of the hierarchical structure analyzing section 100 of Figure 1 within which the aforementioned steps occurs (See Arai Figure 2 and corresponding text).

As per claims 2-3 and 6-13, 15-16 and 19-26 Arai discloses the limitations of claims 1, 14, 27 and 28 above including parent-parent relationship as well as parent-child relationship (See Arai Figure 1 and corresponding text).

***Allowable Subject Matter***

Claims 4-5 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 703 305-4006. The examiner can normally be reached on Monday - Friday from 10:30AM -10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703 308 1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 17, 2004

  
Frantz Coby  
Primary Examiner  
Art Unit 2171